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REPORT

ON THE

Administration of Civil Justice

IN OUDH

During the year ending 31st December 1893.

Allahabad:

NORTH-WESTERN PROVINCES AND OUDH GOVERNMENT PRESS.

1894.

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REPORT

ON THE

ADMINISTRATION OF CIVIL JUSTICE IN OUDH,

During the year ending 31st December 1893.

No. 1653 OF 1894.

FROM

J. DEAS, ESQ., C.S.,

OFFG. JUDICIAL COMMISSIONER OF OUDH,

TO

THE SECRETARY TO GOVERNMENT,
N.-W. PROVINCES AND OUDH, JUDICIAL (CIVIL) DEPARTMENT.

Dated Lucknow, the 7th September 1894.

SIR,

I HAVE the honor to submit the report, together with the prescribed statements, relating to the administration of Civil Justice in Oudh during the year ending the 31st December 1893. The original reports of District Judges and Judges of Small Cause Courts are also submitted herewith.

2. There was a slight decrease in the amount of net stamp fees realized by Civil Courts: Rs. 5,31,489 having been realized during 1893 as against Rs. 5,36,856 realized in 1892. The following are the details for both years:—

Income and Expenditure, Provincial Returns G. and H.

Judgeship.	1892.	1893.	*Difference.*
Lucknow	71,313	85,870	+14,557
Sitapur	61,206	56,983	—1,223
Fyzabad	85,474	91,319	+5,845
Rae Bareli	1,02,115	1,05,854	+3,739
Hardoi	89,949	88,480	—1,469
Gonda	1,01,079	70,004	—31,075
Judicial Commissioner's Court	25,720	29,979	+4,259
Total ...	5,36,856	5,31,489	—5,367

3. A comparative statement of the income and certain items of the expenditure of Civil Courts during the years 1892 and 1893 is here given:—

Income.	1892.	1893.	*Difference.*
Net value of stamps	5,36,856	5,31,489	—5,367
Duty and penalty on instruments	1,954	1,848	—106
Fines	708	687	— 21
Process-fees	1,07,065	1,12,050	+4,985
Judicial Record Fund	42,395	50,206	+7,811
Total ...	6,88,078	6,96,280	+7,302
Expenditure.			
Salaries of officers and establishments ...	5,20,130	5,18,811	—1,319
Process-serving establishments	72,317	76,517	+4,200
Judicial Record Fund	22,001	23,830	+1,829
Total ...	6,14,448	6,19,158	+4,710
Surplus ...	74,530	77,122	+2,592

4. The decrease in the income from stamps (Rs. 5,367) was accompanied by an increase of Rs. 12,796 in the income from Process-Fees and the Judicial Record Fund. The increase under the latter heads of income necessitated the entertainment of additional process-servers and copyists.

5. Process-Fee receipts exceeded expenditure by Rs. 35,533, and there was a surplus of Rs. 26,376 under Judicial Record Fund (copying fees).

ORDINARY CIVIL COURTS.

IMPERIAL RETURN No VII. Suits instituted (ordinary Civil Courts i.e. exclusive of Small Cause Courts).

6. The number of suits instituted in ordinary Civil Courts during the year under report was 26,486 or 1,750 fewer than in 1892. In Small Cause Courts on the other hand, the number rose from 31,543 to 33,527. The net increase for all Courts was 234 :—

	1892.	1893.
Ordinary Civil Courts	28,236	26,486
Small Cause Courts	31,543	33,527
Total ...	59,779	60,013

The number of suits instituted in Small Cause Courts was nearly 57 per cent. of the total number of suits filed in all Civil Courts. The percentage was 53 in 1892.

Fewer suits were filed in the Courts of Honorary Assistant Commissioners, the the number being 2,374 in 1893 as against 2,534 in 1892.

Description of suits (ordinary Civil Courts).

7. The different classes of suits instituted in ordinary Civil Courts during the years 1892 and 1893 were as follow :—

	1892.	1893.
Suits for money or movable property	21,364	17,747
„ immovable property	5,161	4,989
„ specific relief	131	237
„ to establish rights of pre emption	1,168	156
Mortgage suits	...	2,398
Suits relating to religious and other endowments	3	13
Matrimonial suits	166	201
Testamentary suits	2	22
Other suits not falling under any of the previous heads ...	241	723
Total ...	28,236	26,486

Owing to the alteration in the classification of suits effected by the introduction of the new form of Imperial Statement No. VII, a fair comparison of the fluctuations cannot be made this year.

Courts in which suits were instituted.

8. The number of suits instituted in ordinary Civil Courts during the years 1891, 1892 and 1893 is given below :—

	1891.	1892.	1893.
Honorary Assistant Commissioners	2,250	2,534	2,374
Munsifs and Subordinate Judges	23,091	25,643	24,067
District Judges	62	59	45

The falling off in the Courts of Munsifs and Subordinate Judges of 1,576 suits as compared with the figures for 1892 is more than compensated for by the increase of 1,787 suits instituted on the Small Cause Court side of these Courts.

Out of 2,374 suits instituted in the Courts of Honorary Assistant Commissioners 506 were filed in Kheri and 881 in Gonda. In the former district 323 suits were instituted in the Court of Maulvi Muhammad Khalil-ulla Khan, and in the latter district 839 were instituted in the Court of Rajah Jang Bahadur Khan, C. I. E.

IMPERIAL RETURN No VIII Value of subject matter of suits (ordinary Civil Courts)

9. The aggregate value of the subject matter of ordinary Civil suits instituted in 1893 rose to Rs. 4,73,52,090 from Rs. 96,32,401 in 1892; being an increase of Rs. 3,77,20,689. The figures for each judgeship for both of the years are here given :—

Judgeship.	1892.	1893.	Difference.
Lucknow	7,67,364	11,72,565	+ 4,05,201
Sitapur	11,95,270	8,74,932	— 3,20,338
Hardoi	11,44,323	3,58,73,014	+ 3,47,28,691
Fyzabad	29,71,806	60,95,731	+ 31,23,925
Gonda	24,61,224	8,39 697	— 16,21,527
Rae Bareli	10,92,414	24,96,151	+ 14,03,737

10. There was en increase in the number of suits between Rs. 10 and Rs. 50, between Rs. 100 and Rs. 500, between Rs. 500 and Rs. 1,000, and between Rs. 1,000 and Rs. 5,000.

In Lucknow there was an increase of 18 suits valued at Rs. 10,000 and upwards.

The very marked increase in Hardoi is due to the institution of suits for declaratory decrees in connection with the Murawan Estate, in the Court of the Subordinate Judge of Unao; the subject matter of such suits being valued at Rs. 3,50,14,623.

Although fewer suits of value exceeding Rs. 10,000 were instituted in Fyzabad during 1893 than in 1892, yet the average value was higher, as one of the suits was valued at Rs. 15,00,000.

The increase in Rae Bareli is accounted for by ten suits of value exceeding Rs. 10,000 being instituted in 1893, in excess of the number instituted in 1892.

The great increase in the aggregate value of suits accompanied by a decrease in their number is mainly due to the declaratory suits of exceptionally high value instituted in the Unao district.

11. The average value of an ordinary Civil suit rose from Rs. 341 in 1892 to Rs. 1,789 in 1893.

12. Ordinary Civil Courts disposed of 26,918 suits during the year under report, or 1,819 less than in the preceding year. Pending suits were nearly 18 per cent. of the total number of suits that were before the Courts for disposal, as against 17 per cent. in 1892. The mode of disposal of suits is shewn below :—

IMPERIAL RETURN No IX, PART I. Mode of disposal (ordinary Civil Courts)

	1892.	1893.	Difference.
Disposed of without trial.			
Transferred to other Courts	...	1	+ 1
Plaints rejected or returned	488	562	+ 74
Dismissed for default	4,821	3,939	— 882
Withdrawn with leave	692	669	— 23
Disposed of without contest.			
Compromised	4,190	4,167	— 23
Decreed on confession	3,384	2,814	— 570
„ *ex parte*	3,215	2,728	— 487
Dismissed	583	568	— 15
On reference to arbitration.			
For plaintiff	107	91	— 16
„ defendant	36	33	— 3
Disposed of with contest.			
Judgment for plaintiff	7,655	7,737	+ 82
„ „ defendant	3,565	3,609	+ 43
„ „ pending	5,917	6,151	+ 234

It will be seen from the above statement that the Courts decided more contested suits in 1893 than in 1892, 42 per cent. as against 39 per cent.; that the percentage of suits dismissed for default fell from 16 to 14 per cent; and that the percentage of suits disposed of without contest fell from 39 to 38 per cent. The fact therefore, that the Courts decided fewer cases, does not indicate that the quantity of work done was less than in the previous year.

13. The District Judge of Fyzabad writes:—"No other cause can be assigned "for the high percentage of cases dismissed for default and *ex parte* than that many "suits of small value were settled out of Court, or the defendants did not think "it worth while to fight them out. There must always be a large number of cases to "which there is no defence possible. In fact a great many more cases might well be "allowed to be disposed of without contest than there are."

14. The District Judge of Sitapur states that "suits for recovery of money are "very often settled out of Court, and the parties will not take the trouble to notify the "result to the Courts. This leads to the *ex parte* dismissals and decrees."

There was, however, a falling off in the number of suits dismissed for default or decreed *ex parte* in 1893, as compared with the figures for 1892.

15. In consequence of the large number of suits connected with immovable property involving rights of great value, as shewn in paragraph 10 of this report, the pending files rose from 5,917 suits in 1892 to 6,151 in 1893. The increase is almost entirely in the Courts of District and Subordinate Judges, as is shewn by the percentage of suits pending to suits for disposal in the different classes of Courts:—

	1892.	1893.
Honorary Assistant Commissioners	8·3	8.2
Munsifs	14·3	14·8
Subordinate Judges	28·7	32·3
District Judges	74·2	76·4

16. The heaviest pending files were in the Courts of;—

	Suits.
Lucknow Munsifs, two	734
Fyzabad Subordinate Judge	476
Hardoi Ditto	437
Sultánpur Ditto	352
Partábgarh Ditto	206
Gonda District Judge	67
Fyzabad Ditto	39
Sitapur Ditto	35

The file of the District Judge of Gonda has been lightened by the transfer, during the current year, of 56 suits connected with the Utraula Estate to the Court of the Additional Judge at Lucknow.

The files of other District Judges have been reduced by the transfers of suits to the Courts of Subordinate Judges.

17. The number of suits disposed of by each class of Courts during 1892 and 1893 was as follows;—

Distribution of work (ordinary Civil Courts).

	Number of suits disposed of.		Percentage on total number.	
	1892	1893	1892	1893
Honorary Assistant Commissioners	2,679	2,451	9·6	9·1
Munsifs	21,478	19,900	74·7	73·9
Subordinate Judges	4,518	4,513	15 7	16·7
District Judges	62	53	0·21	0·19

Duration of suits (ordinary Civil Courts).

18. The average duration of a suit in the different classes of Courts during 1892 and 1893 was.—

	Contested. Days.		Uncontested. Days.	
	1892	1893	1892	1893
Honorary Assistant Commissioners ...	67·94	47·89	26·49	32·53
Munsifs	95·45	87·29	40·00	46·28
Subordinate Judges	116·95	196·59	69·57	94.90
District Judges	697·55	808·28	273·67	714·44

The Courts of Honorary Assistant Commissioners and Munsifs shew a considerable improvement in the duration of contested suits. The marked increase in the

average duration of suits in the Courts of Subordinates Judges and of District Judges is due to the disposal of suits that had been instituted in 1890 and 1891.

The average duration of uncontested suits has increased in all classes of Courts.

Adjournments (ordinary Civil Courts).

19. The District Judge of Lucknow granted 32 adjourments in a single suit, but has afforded no explanation of the reason why so many were granted. The Subordinate Judge of Hardoi, since retired, granted 30 adjournments in one suit, and Rai Madho Parshad Singh of Partabgarh, granted 29 adjournments in a suit. The highest number of adjournments in Munsifs' Courts was granted by the Munsif of Akbarpur, in the Fyzabad Judgeship.

IMPERIAL RETURN No. IX, PART II.
Miscellaneous cases (ordinary Civil Courts)

20. Ordinary Civil Courts disposed of 9,089 miscellaneous cases in 1893, being 532 more than in 1892. Out of 10,531 cases for disposal, 1,981 were struck off and 199 were compromised; 3,506 contested cases were decided in favour of plaintiff, and 2,240 in favour of defendant; six cases were decided by arbitrators in favour of defendant and one in favour of plaintiff; 346 cases were decreed on confession and 584 were decreed *ex parte*; 226 cases were dismissed *ex parte*. The percentage of contested cases was much the same as in the previous year, between 63 and 64 per cent.

21. The average duration during 1892 and 1893 was :—

	Contested. Days.		*Uncontested.* Days.	
	1892.	1893.	1892.	1893.
Honorary Assistant Commissioners ...	36·33	21·97	42·03	46·6
Munsifs	41·44	40·00	36·8	32·1
Subordinate Judges	39·9	52·00	49·75	46·45
District Judges	124·4	204·45	85·57	134·35

In contested cases the average duration fell by 14 days in the Courts of Honorary Assistant Commissioners and by one day in the Courts of Munsifs; but it rose by 13 days in the Courts of Subordinate Judges and by 80 days in the Courts of District Judges. In uncontested cases the average duration increased by four days in the Courts of Honorary Assistant Commissioners, and by 49 days in the Courts of District Judges; but it decreased by four days in the Courts of Munsifs, and by three days in the Courts of Subordinate Judges.

IMPERIAL RETURN No. X, PART I.
Appeals from decrees (ordinary Civil Courts).

22. The number of appeals to District Judges and Subordinate Judges rose from 2,659 in 1892 to 3,038; the increase being in the number presented to Subordinate Judges (1,598 as against 985 in 1892, and appeals to District Judges falling from 1,674 to 1,440. The number disposed of was 2,143 or 61 less, but the percentage of contested appeals was almost 2 per cent. higher than in the previous year.

The total number of appeals before the Courts and the mode of their disposal in both years are given in the following statement :—

	1892.	1893.	Percentage on total number disposed of. 1892.	1893.
Total number of appeals for hearing ...	4,340	5,185	...	...
Transferred to Courts in other Provinces ...		2	...	...
Rejected	55	47	2·49	2·19
Dismissed for default	173	152	7·85	7 08
Heard ex parte.				
Confirmed	18	19	1 63	1·77
Modified	8	4		
Reversed	8	10		
Remanded	2	5		
Contested.				
Confirmed	1,211	1,142	54·97	53·26
Modified	208	218	9·44	10·16
Reversed	411	409	18·65	19 07
Remanded	109	136	4·94	6 34
Pending	2,137	3,041	...	...

23. The percentages on the appeals disposed of were as follows :—

Confirmed	63
Modified	10
Reversed	20
Remanded	7

The percentage of contested appeals rose from 88 per cent. to 89 per cent. The number of appeals pending at the close of the year rose by 904. The increase in the number instituted and the greater percentage of contested appeals contributed to this result.

There was a decrease in the pending files in the Courts of three District Judges, namely, Rae Bareli (—86) Fyzabad (—62) and Lucknow (—35); but the pending files in the other districts shew an increase of 246 appeals in Hardoi, 149 in Sitapur, and 70 in Gonda. Pending files increased in the Courts of Subordinate Judges from 315 to 938; the heaviest being at Sultanpur (+196).

24. The average duration of appeals in the Courts of Subordinate Judges was 104 in 1893, as against 115 days in 1892; but in the Courts of District Judges it rose from 276 days in 1892 to 428 days in 1893, owing to the disposal of some appeals that had been pending since 1889 and 1890.

Appeals to the Court of the Judicial Commissioner.

25. During the year under report there were 181 appeals from original decrees and 833 appeals from appellate decrees before the Judicial Commissioner and the Additional Judicial Commissioner for disposal, as against 173 regular and 859 second appeals in 1892. The figures for each year are here given :—

	1892.	1893.	Percentage on total for disposal. 1892.	1893.
Total number of appeals for hearing ...	1,032	1,014	...	...
Rejected	19	29	1·84	2·86
Dismissed for default	19	56	1·84	5·62
Heard ex parte.				
Confirmed	138	34	15·1	4·53
Modified	5	6		
Reversed	8	4		
Remanded	5	2		
Contested.				
Confirmed	186	214	18·02	21·10
Modified	19	24	1·84	2·36
Reversed	84	51	8·15	5·02
Remanded	18	29	1·72	2·26
Pending	531	571	...	...

26. The fact that the percentage of contested appeals rose from 61 to close on 73 per cent., and the greater amount of criminal work disposed of account for this decrease.

The results were more satisfactory; the percentage of decisions confirmed to the total number of appeals disposed of rising from 37 to 48, and that of decisions reversed falling from 16 to 11 per cent. Of the 123 first appeals pending at the close of the year one was instituted in 1889, one in 1890, 19 in 1891, 40 in 1892 and 62 in 1893. The 351 pending second appeals were instituted in the following years, namely, one in 1889, three in 1890, seven in 1891, 66 in 1892 and 274 in 1893.

27. Notwithstanding the disposal of four appeals instituted in 1890, the average duration of appeals fell to 299 days from 371 days in 1892, and 312 days in 1891.

Imperial Return No. X, Part II. Miscellaneous (Judicial Commissioner's Court).

28. There were 162 miscellaneous appeals before the Court of the Judicial Commissioner in 1893, of which 61 were disposed of and 101 remained pending. There were also 274 applications for revision under Section 622, Civil Procedure Code, before the Court in the year under report; of these 92 were summarily rejected

or dismissed; the decree was confirmed in 52 cases, modified in six cases and reversed in nine cases; and the proceedings were remanded in six cases, leaving 109 applications pending at the close of the year. The average duration was 123 days as against 104 in 1892.

Courts of District and Subordinate Judges.

29. Of 561 miscellaneous appeals that were before the Courts of District Judges and Subordinate Judges in 1893, District Judges disposed of 282 out of 453, and Subordinate Judges disposed of 77 out of 108. The total number left pending was 202. The mode of disposal of the 359 appeals was as follows: one was transferred to another Province, 71 were summarily rejected or dismissed, the decree was confirmed in 163 cases, modified in 16 cases, reversed in 74 cases; and the proceedings in 34 cases were remanded.

IMPERIAL RETURN No. XI.
Execution of decrees (ordinary Civil Courts).

30. Ordinary Civil Courts had before them for disposal 29,956 applications for execution of decrees as against 29,348 in 1892. The mode of disposal of such applications in each year is here given :—

	Applications.		Percentage to total number of applications.	
	1892.	1893.	1892.	1893.
Transferred to other Courts ...	551	591	1·87	1·97
Satisfied in full ...	7,436	7,703	25·33	25 71
„ part ...	3,892	4,085	13·26	13 63
Wholly infructuous ...	12,326	12,105	41·99	40·40
Pending	5,143	5,472	17·52	18·26

The percentage on the applications disposed of by the Courts themselves of proceedings fructuous wholly or in part was close on 50, and was slightly higher than in the North-Western Provinces (49·2).

The total amount realized was Rs. 9,28,356 as against Rs. 12,17,748 in 1892.

There was an increase in the number of cases in which the judgment-debtor was arrested and imprisoned, namely 39 in each case, as against 27 and 17, respectively, in 1892.

The number of cases in which moveable property was attached and sold was much the same as in the previous year.

Immoveable property was sold in 883 cases, as against 842 cases in the previous year. The percentage of cases in which immoveable property was sold to the total number of cases disposed of by the Courts themselves was considerably lower than in the North-Western Provinces, namely 3 per cent. as against nearly 9 per cent.

IMPERIAL RETURN No. XII.
Insolvency.

31. During 1893 there were 73 applications for declaration of insolvency before the Courts, being 13 more than in 1892. Twenty two applications were transferred, withdrawn or struck off in default, 16 were granted, and 8 were rejected, leaving 27 applications pending at the close of the year.

PROVINCIAL RETURN No. XV.
Witness statement.

32. More witnesses were examined by ordinary Civil Courts in 1893 than in the previous year (50,506 as against 49,904 in 1892). No less than 49,736 witnesses, or 98·48 per cent., are reported to have been detained one day only.

PROVINCIAL RETURN No. XVI.
Process fees.

33. During 1893 the receipts from Process Fees in Civil Courts, other than Small Cause Courts proper, amounted to Rs. 1,04,618, and the charges were Rs. 75,431, leaving a surplus of Rs. 29,187 as against Rs. 24,735 in 1892.

PROVINCIAL RETURN No. XVIII.
Sale Commission Fund (ordinary Civil Courts).

34. Sale Commission Fund receipts in ordinary Civil Courts in 1893 fell to Rs. 10,469 from Rs. 12,876 in 1892. The surplus in 1893 was Rs. 8,529 as against Rs. 10,692 in 1892.

35. Good progress has been made, during the year under report, in the weeding of records in five out of the six judgeships, as shewn by the following figures :—

Records.

Judgeships.	A. Files.	B. Files.
Rae Bareli	26,320	17,065
Sitapur	18,935	10,685
Hardoi	18,262	23,429
Gonda	16,597	34,231
Fyzabad	10,075	13,955
Lucknow	2,171	7,231

SMALL CAUSE COURTS.

36. As shown in paragraph 6 of this report there was an increase of 1,984 in the number of suits instituted in the Courts of Munsifs and Subordinate Judges on the Small Cause Court side, and in Small Cause Courts proper in 1893, as compared with the figures for the preceding year. The number rose from 31,543 in 1892 to 33,527 in 1893, when 28,144 suits were filed in the Courts of Munsifs and Subordinate Judges, or 1,787 more than in 1892. The institutions in Small Cause Courts proper were 197 suits in excess of the figures for 1892.

IMPERIAL RETURN No. VII. Suits instituted (Small Cause Courts).

37. The variations in the different classes of suits instituted during 1892 and 1893 are shewn below :—

	1892.	1893.
Suits for money or moveable property	31,540	33,385
„ „ immoveable property	...	8
„ „ specific relief	...	...
„ to establish rights of pre-emption	...	3
Mortgage suits	...	37
Suits relating to religious and other endowments ...	2	10
Matrimonial suits	...	16
Testamentary suits	...	...
Other suits not falling under any of the previous heads ...	1	68
Total ...	31,543	33,527

IMPERIAL RETURN No. VIII. Value of suits instituted (Small Cause Courts).

38. The value of the subject matter of the suits instituted in Small Cause Courts during 1893 was Rs. 9,92,201 being Rs. 91,968 in excess of the figures for 1892. The percentage of suits valued at more than Rs. 50 was 16·5 per cent. as against 15·9 in 1892 ; and the average value of a suit similarly rose from Rs. 28-8-0 to Rs. 29-9-6. The value of suits filed in the Courts of Munsifs and Subordinate Judges in 1893 was Rs. 8,45,449 ; being Rs. 72,636 more than in 1892, and in Small Cause Courts proper it rose to Rs. 1,46,752 from Rs. 1,27,420 in 1892.

IMPERIAL RETURN No. IX, Part 1 Mode of disposal (Small Cause Courts).

39. There were 36,031 suits before Small Cause Courts for disposal in 1893, being 1754 more than in 1892. The percentages of disposal to total number of suits before the Courts in each year are given below :—

	Percentage to total number of suits for disposal.		Difference.
	1892.	1893.	
Without trial	20·06	20·80	+ 0·74
Without contest.			
Compromised	15·10	17·08	+ 1·98
Decreed on confession	16·61	14·34	— 2·27
„ *ex parte*	14·31	12·47	— 1·84
Dismissed „	1·32	1·62	+ 0·30
With contest.			
By arbitration	0·10	0·14	+ 0·04
In favor of plaintiff	17·5	16·10	— 1·4
„ defendant	8·78	8·47	— 0·31
Pending ...	5·8	8·94	+ 3·14

The percentage of suits contested to suits disposed of, and that of *ex parte* decisions during the year under report were about the same as those of the previous year, *viz.*, 27 and 15 per cent, respectively.

40. The average duration of contested suits was 45 days, and of uncontested suits 30 days in 1893, as against 42 days and 31 days, respectively, in 1892.

IMPERIAL RETURN No. IX. PART II. Miscellaneous cases (Small Cause Courts).

41. During 1893 there were 2,263 miscellaneous cases before the Small Cause Courts, or 153 fewer than in 1892. Of the 2,263 cases 1,301, or 57 per cent., were contested, 708 being decided in favor of plaintiff and 593 in favor of defendant; 166 cases, or 7 per cent., were disposed of without contest; 521 cases, or 23 per cent., were disposed of without trial, and 275, or 12 per cent., remained pending at the close of the year.

IMPERIAL RETURN No. XI, Execution of decrees (Small Cause Courts).

42. There were 20,186 applications for execution of decrees during 1893 before Small Cause Courts, being 250 less than in 1892. The following statement shows how such applications were disposed of in 1892 and 1893, and the amounts realized:—

	Applications.		Percentages to total number of applications.	
	1892.	1893.	1892.	1893.
By transfer	931	939	4·06	4.65
Satisfied in full	4,158	3,821	20·34	18 92
„ „ part	4,159	3,504	20·35	17 35
Wholly infructuous	9,223	9,866	45·13	48·87
„ „ Pending ...	2,065	2,056	10 10	10·18

	1892.	1893.	Difference.
	Rs.	Rs.	Rs.
Amount realized after issue of process	1,22,028	1,34,587	+ 12,559
„ „ without „ „ „	26,232	23,753	— 2,479

The amount realized in 1893 was Rs. 10,080 more than in 1892.

PROVINCIAL RETURN No. XV. Witness statement (Small Cause Courts proper).

43. In the year under report 3,789 witnesses were examined in the Lucknow City and Lucknow and Fyzabad Cantonment Small Cause Courts, as against 3,821 in 1892. Of the witnesses examined 3,707, or 97·83 per cent., were discharged on the first day of their attendance.

PROVINCIAL RETURN No. XVI. Process-Fee Fund (Small Cause Courts proper).

44. The usual deficit in the Process Fee Fund fell from Rs. 708 in 1892 to Rs. 246 in 1893. The largest deficit, Rs. 149, was in the Lucknow City Small Cause Court. The Lucknow and the Fyzabad Cantonment Small Cause Courts had deficits of Rs. 79 and Rs. 18, respectively.

PROVINCIAL RETURN No. XVIII. Sale Commission Fund (Small Cause Courts proper).

45. The receipts on account of Sale Commission Fund amounted to Rs. 162, and the expenditure to Rs. 144; leaving a surplus of Rs. 18 in the year under report.

COURT OF THE JUDICIAL COMMISSIONER.

Miscellaneous work.

46. Besides the business detailed in paragraphs 25 and 28 of this report 82 miscellaneous applications, 4 references for rulings, 10 applications for leave to appeal to Her Majesty's Privy Council and 18 applications from legal practitioners were disposed of.

I have the honor to be,

SIR,

Your most obedient servant,

J. DEAS,

Officiating Judicial Commissioner.

APPENDICES.

IMPERIAL RETURN No I—(Civil and Criminal).

Showing the number of Divisions and the number of Officers exercising Original or Appellate jurisdiction in the Province of Oudh, on the last day of the year 1893. *with the cost of tribunals.*

Name of Province.	Area	Population.	Number of divisions for Courts under chief Court but superior to chief Courts of districts	Number of districts.	Number of sub districts.	Total number of officers exercising original or appellate jurisdiction: Judges of chief Court of Province	Judges of other Courts superior to chief district Courts	Judges of chief Courts of districts	Judges of district Courts other than chief Courts	Judges of other subordinate Courts	Total number of cases decided: Original: Regular	Original: Miscellaneous.	Appeals: Regular	Appeals: Miscellaneous	Total receipts of the Courts	Total charges of the Courts	Remarks
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
Civil	...	.	..	...	...	2	...	7	12	56	59,700	25,303	2,223	382	9,48,333	13,61,201	
Charges incurred by the Public Works Department on account of buildings	23,902 square miles	1,14,07,625	6 Divisions	12 Districts	...	..	...	...	..	...	..	...	...	.	..	16,043	
Total	.	...	...		...	2	..	7	12	56	59,700	25,303	2,223	382	9,48,333	13,77,244	

Grades of Judicial Officers.		European.	Native.
Officers exercising both original and appellate jurisdiction	Judicial Commissioners	2	...
	District and Sessions Judges	5	1
	Additional Judges ...	..	1
	Subordinate Judges	...	12
Officers exercising original jurisdiction only	Small Cause Court Judges	2	1
	Munsiffs .	...	25

For Home, Revenue and Agricultural Departments

	European	Native.
Judicial Commissioners	2	..
District and Sessions Judges	5	2
Subordinate Judges	.	12
Munsiffs	...	25
Judges, Small Cause Court	2	1
Honorary Assistant Commissioners	...	28

IMPERIAL RETURN No. VII—(CIVIL).

Showing the number and description of suits instituted in the Civil Courts of the Province of Oudh, during the year 1893.

Classes of Tribunals.	Suits for money or movable property.	Suits for immovable property.	Suits for specific relief.	Suits to establish a right of pre-emption.	Mortgage suits.	Suits relating to religious and other endowments.	Matrimonial suits.	Testamentary suits.	Other suits not falling under any of the previous heads.	Total.	Remarks.
1	2	3	4	5	6	7	8	9	10	11	12
Unpaid Tribunals	2,287	61	12	1	7	...	4	...	2	2,374	
Paid Sub-divisional Tribunals	15,449	4,913	224	153	2,383	12	197	22	714	24,067	
Small Cause Courts	33,385	8	...	3	37	10	16	...	68	33,527	
District Court	11	15	1	2	8	1	...	...	7	45	
Total ...	51,132	4,997	237	159	2,435	23	217	22	791	60,013	

IMPERIAL RETURN No. VIII.—(Civil).

Showing the number and value of suits instituted in the Civil Courts in the Province of Oudh, during the year 1893.

Class of Courts.	Number of suits instituted in the different Courts.									Total value of suits.	Remarks.
	Not exceeding Rs. 10.	Not exceeding Rs. 50.	Not exceeding Rs 100.	Not exceeding Rs 500.	Not exceeding Rs. 1,000.	Not exceeding Rs 5,000.	Not exceeding Rs. 10,000.	Exceeding Rs. 10,000.	Number of suits the value of which cannot be estimated in money.		
1	2	3	4	5	6	7	8	9	10	11	12
Civil Courts.										Rs a. p	
Unpaid Tribunals	773	1,268	267	66	...	...	...	...	...	69,894 14 6	
Paid sub-divisional Tribunals	4,313	9,896	3,717	4,553	823	627	88	50	...	4,11,00,105 0 0	
Small Cause Courts	10,321	17,673	4,166	1,367	...	...	...	..	...	9,92,200 14 9	
District Courts	...	...	...	...	...	1	...	44	...	61,82,090 5 9	
Total ...	15,407	28,837	8,150	5,986	823	628	88	94	...	4,83,44,291 3 0	

IMPERIAL RETURN No. IX—(Civil).

Statement showing the general result of the trial of cases in the Civil Courts of Original Jurisdiction in the Province of Oudh, in the year 1893.

PART I.—Civil Suits.

Class of Courts	Total number of suits before the Courts.	Number of cases disposed of.										Pending at close of the year.	Number of cases pending more than three months at the close of the year.	Average duration of cases.		Remarks.
		Transferred to other Courts.	Without trial.	Without contest.				On references to arbitration.		With contest.						
				Compromised.	Decreed on confession.	Decreed *ex parte*.	Dismissed *ex parte*.	For plaintiff.	For defendant.	Judgment for plaintiff in whole or in part.	Judgment for defendant.			Contested.	Uncontested.	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
I—Civil Courts.																
Unpaid tribunals	2,671	...	613	443	504	249	41	13	1	435	152	220	74	47 89	32 53	
Paid Sub-divisional tribunals	23,362	...	3,844	3,211	1,905	2,074	410	59	28	5,633	2,736	3,462	1,514	87·29	46·28	
Small-Cause Courts	36,030	...	7,496	6,155	5,169	4,494	585	35	16	5,808	3,054	3,223	547	45 51	29 67	
District Courts (other than Chief Courts of Districts)	6,810	..	708	504	403	404	116	18	3	1,646	711	2,297	1,523	196 59	94·90	
Chief Courts of Districts	225	...	5	9	2	1	1	1	1	23	10	172	154	808·28	714 44	
Total ...	69,098	...	12,666	10,322	7,983	7,222	1,153	126	49	13,540	6,663	9,374	3,812	81 86	38·43	

IMPERIAL RETURN No. IX—(Civil).

Statement showing the general result of the trial of cases in the Civil Courts of Original Jurisdiction in the Province of Oudh, in the year 1893.

Part II—Miscellaneous cases.

Class of Courts	Total number suits before the Courts.	Number of cases disposed of.										Number of cases pending more than 3 months at the close of the year.	Pending at the close of the year.	Average duration of cases.		Remarks.
		Transferred to other Courts.	Without trial.	Without contest.				On reference to arbitration.		With contest.				Contested.	Uncontested.	
				Compromised.	Decreed on confession.	Decreed *ex parte*.	Dismissed *ex parte*.	For plaintiff.	For defendant.	Judgment for plaintiff in whole or in part.	Judgment for defendant.					
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
Civil Courts.																
Unpaid Tribunals	185	37	...	13	9	4	2	...	...	50	45	25	10	21·97	46·6	
Paid Subdivisional Tribunals	5,567	1,205	...	111	296	387	161	1	1	1,676	1,346	383	32	40·	32·1	
Small Cause Courts	2,263	457	...	64	43	89	34	...	...	708	593	275	25	29·38	28·95	
District Courts other than Chief Courts of Districts.	3,819	560	...	61	35	95	45	...	...	1,571	746	706	162	52·	46·45	
Chief Courts of Districts	960	179	...	14	6	98	18	...	5	209	103	328	142	204·45	134·35	
Total ...	12,794	2,438	...	263	389	673	260	1	6	4,214	2,833	1,717	371	40·47	42·25	

IMPERIAL RETURN No. X—(Civil and Rent).

Statement showing the business of the Civil Appellate Courts of the Province of Oudh, in the year 1893.

Part I.—Appeals from Decrees.

Class of Courts.	Total number of appeals before the Courts.	Transferred to courts in other Provinces.	Appeals summarily rejected.	Dismissed for default or otherwise not prosecuted.	Heard *ex parte*.				Contested.				Pending.	Of those pending more than 3 months,	Average duration of appeals.	Objections under section 561, Act XIV, 1882.	Remarks.
					Confirmed.	Modified.	Reversed.	Remanded.	Confirmed.	Modified.	Reversed.	Remanded.					
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
COURTS IN THE INTERIOR.																	
Appeals From original decrees.																	
A.—Civil Courts.																	
District Appellate Courts other than Chief Courts of Districts...	2,075	...	3	71	7	1	7	4	595	128	239	82	938	299	164·45	24	
Chief Appellate Courts of Districts	3,110	2	44	81	12	3	3	1	547	90	170	54	2,103	1,770	428·35	32	
Superior Appellate Courts other than Chief Courts of Province .	...	...	...	...	...	..	...	...	...	...	...	...	...	...	...	...	
Total ...	5,185	2	47	152	19	4	10	5	1,142	218	409	136	3,041	2,069	256·58	56	
Courts of Presidency or seat of Government.																	
Chief Court of Province. Appeals from original decrees ... Civil ...	177	...	...	2	...	...	...	...	34	6	8	4	123	276	591·24	3	
Chief Court of Province. Appeals from original decrees ... Rent ...	4	...	...	...	..	...	...	...	..	...	...	...	4	4	...	...	
Chief Court of Province. Appeals from appellate decrees ... Civil ...	639	...	28	9	30	6	4	2	149	16	32	12	351	108	347·83	8	
Chief Court of Province. Appeals from appellate decrees ... Rent ...	194	...	1	45	4	...	...	...	31	2	11	7	93	80	399·07	1	
Total ...	1,014	...	29	56	34	6	4	2	214	24	51	23	571	468	298 89	12	
Grand Total ...	6,199	2	76	208	33	10	14	7	1,356	242	460	159	3,612	2,537	264·06	68	

IMPERIAL RETURN NO. X—(CIVIL AND RENT).

Statement showing the business of the Civil Appellate Courts of the Province of Oudh, during the year 1893.

PART II.—MISCELLANEOUS.

Class of Courts.	Total number of appeals before the Courts.	Transferred to Courts in other Provinces.	Appeals summarily rejected.	Dismissed for default or otherwise not prosecuted	Heard *ex parte*.				Contested.				Pending.	Of those pending more than 3 months.	Average duration of appeals.	Objections under section 561, Act XIV of 1882.	Remarks.
					Confirmed.	Modified.	Reversed.	Remanded.	Confirmed.	Modified.	Reversed.	Remanded.					
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
COURTS IN THE INTERIOR.																	
APPEALS FROM ORIGINAL DECREES.																	
A.—Civil Courts.																	
Chief Appellate Courts other than Chief Courts of Districts. ...	108	...	2	9	2	1	...	1	30	6	21	5	31	6	89·75	...	
Chief Appellate Courts of Districts and Superior Appellate Courts other than Chief Court of province.	453	1	31	29	6	...	2	1	125	9	51	27	171	106	252·03	1	
Total ...	561	1	33	38	8	1	2	2	155	15	72	32	202	112	215·74	1	
Courts of the Presidency or seat of Government.																	
Chief Court of Province. Appeals from original decrees ... Civil ...	88	...	1	...	2	...	...	...	28	2	4	1	50	38	241·21	1	
Chief Court of Province. Appeals from original decrees ... Rent ...	2	...	...	...	...	...	...	...	...	...	...	...	2	1	...	...	
Chief Court of Province. Appeals from appellate decrees ... Civil ...	69	...	2	...	1	...	1	...	9	2	5	3	46	37	225·30		
Chief Court of Province. Appeals from appellate decrees ... Rent ...	3	...	...	...	...	...	...	...	...	...	...	...	3	3	...	...	
Applications for revision under section 622, Act XIV 1882 ...	274	...	89	3	5	...	...	4	47	6	9	2	109	67	123·09	...	
Total	436	...	92	3	8	...	1	4	84	10	18	6	210	146	153·35	1	
GRAND TOTAL ...	997	1	125	41	16	1	3	6	239	25	90	38	412	258	191·14	2	

IMPERIAL RETURN No. XI—(Civil).

Statement showing the result of proceedings on applications for the execution of the decrees of the Civil Courts in the Province of Oudh, during the year 1893.

Class of Courts.	Total number of applications for the execution of decrees before the Courts.	Applications disposed of.				Pending at the end of the year.	Number of applications pending more than 3 months at the close of the year.	Amount realized.		Number of applications.											Remarks.
		By transfer.	Satisfaction obtained in full.	Satisfaction obtained in part.	Wholly infructuous.			With the issue of process.	Without the issue of process.	On which the judgment-debtor was imprisoned	On which he was arrested, but released without imprisonment.	On which moveable property.		On which immoveable property			On which possession was given		On which specific performance was enforced.	On which partition was effected.	On which execution was effected, otherwise than in the preceding columns.	
												Was sold.	Was attached, but subsequently released.	Was sold.	Was dealt with under sections 305,322, or 326, Act XIV of 1882.	Was attached, but subsequently released under section 275.	Of movables.	Of immovables.				
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23
								Rs. a. p.	Rs. a. p.													
Courts in the Interior.																						
I.—*Civil Courts.*																						
Unpaid Tribunals ...	1,148	52	374	143	432	147	66	10,418 12 5	155 12 6	5	5	105	305	17	...	20	...	9	...	...	45	
Paid Sub-Divisional Tribunals ...	20,914	403	5,491	2,679	9,073	3,268	1,426	2,53,289 5 2	20,858 1 3	22	21	1,432	3,381	550	22	590	15	1,731	13	9	1,664	
Small Cause Courts ...	20,18(	937	3,821	3,504	9,866	2,056	369	1,34,587 3 9	23,752 13 7	35	86	1,274	3,606	...	...	...	2	...	...	...	4,528	
District Courts	7,63(	125	1,772	1,264	2,548	1,939	1,030	4,24,578 3 11	47,629 11 2	11	13	448	1,203	312	9	536	1	537	5	3	775	
Chief Courts of Districts ...	264	11	66	17	52	118	61	2,35,467 3 1	35,959 1 0	1	...	6	17	4	1	4	...	16	7	...	24	
Total ...	50,142	1,530	11,524	7,589	21,971	7,528	2,952	1,058,340 12 4	1,28,355 7 6	74	125	3,265	8,512	883	32	1,150	18	2,293	25	12	7,086	

IMPERIAL RETURN No. XII—(CIVIL).

Proceedings in Insolvency under chapter XX, Act XIV of 1882, *in the districts of the Province of Oudh, during the year* 1883, *showing the number and result of applications under section* 344, *and the number of Insolvents before the Courts.*

Class of Courts.	Applications for declaration of insolvency.								Number of insolvents discharged during the year under section 355.	Number of insolvents' estates in the hands of receivers in which proceedings were finally closed during the year.	Amount of creditors' claims dealt with during the year.		Gross amount of insolvents' assets realised and disbursed.		Remarks
	Total number of applications.	Transferred to another Province, withdrawn &c.	Granted.		Rejected.			Pending at the close of the year.			Admitted.	Satisfied	Realised during the year.	Disbursed during the year.	
			A receiver being appointed	A receiver not being appointed.	Penal proceedings under section 359, not being taken.	Sentence of imprisonment being passed under section 359.	Applicant being sent to the magistrate to be dealt with.								
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
											Rs. a. p	Rs. a. p.	Rs. a. p.	Rs. a. p.	
Chief Courts of Districts ...	73	22	7	9	8	...	...	27	4	...	9,550 6 11	...	9 0 0	9 0 0	

A.—*Showing original suits instituted, disposed of and pending in Civil Courts, in the Province of Oudh in* 1893, *as compared with the figures in* 1892.

Districts.	Courts.	Instituted.		Disposed of.		Pending.		Remarks.
		1892.	1893.	1892.	1893	1892.	1893.	
Lucknow	Regular ...	1,298	1,579	1,478	1,727	900	822	
	Small Cause Court...	1,563	1,454	1,624	1,573	149	71	
Unao	Regular ...	2,425	1,964	2,278	1,809	542	608	
	Small Cause Court...	1,757	2,405	1,807	2,470	118	220	
Bara Banki	Regular ...	926	1,103	1,025	1,060	174	263	
	Small Cause Court...	2,473	2,456	2,592	2,548	140	78	
Sitapur	Regular ...	2,717	2,411	2,791	2,614	548	444	
	Small Cause Court .	2,047	2,803	2,111	2,718	108	243	
Hardoi	Regular ...	2,306	2,815	2,280	2,676	557	765	
	Small Cause Court...	2,801	2,445	2,831	2,406	107	162	
Kheri	Regular ...	2,081	1,676	2,211	1,783	311	230	
	Small Cause Court .	1,019	1,507	1,153	1,549	73	31	
Fyzabad	Regular .	2 237	3,187	2,391	2,948	533	804	
	Small Cause Court .	1,944	996	1,900	1,119	148	33	
Bahraich	Regular	4,755	3,606	4,902	3,823	401	288	
	Small Cause Court...	2,450	2,592	2,426	2,578	278	338	
Gonda	Regular ...	3,284	1,936	3,459	2,119	679	626	
	Small Cause Court ..	4,262	4,922	4,298	4,458	191	724	
Rae Bareli	Regular ..	2,523	2,132	2,391	2,302	519	430	
	Small Cause Court	1,632	2,021	1,676	2,036	120	130	
Sultánpur	Regular ..	2,268	2,038	2,115	2,007	425	479	
	Small Cause Court ..	1,614	2,342	1,639	2,401	99	47	
Partábgarh	Regular ...	1,461	2,088	1,416	2,049	328	392	
	Small Cause Court ..	2,745	2,201	2,643	2,114	304	407	
	Total ..	54,588	54,029	55,437	54,887	7,752	8,635	

B.—*Showing the work done by District Judges in* 1893, *in the Province of Oudh.*

Districts.	Original suits.	Miscellaneous.		Appeals.		Sessions trials.	Criminal appeals.	Criminal applications for revision.	Remarks.
		Applications for execution of decree.	Judicial	Regular.	Miscellaneous.				
Lucknow	14	21	190	149	52	134	600	76	
Sitapur ...	9	15	37	132	27	52	672	32	
Hardoi	4	10	140	137	79	63	532	68	
Fyzabad	15	63	98	351	34	24	276	127	
Gonda	9	20	80	119	67	89	802	101	
Rae Bareli	2	17	87	119	22	93	644	71	
Total ...	53	146	632	1,007	281	455	3,526	475	

C.—Showing the work done by Subordinate Judges in 1893, *in the Districts of the Provinces of Oudh.*

Districts	Jurisdiction.	Suits.				Miscellaneous cases.		Appeals.	
		Withdrawn &c.	Decided *ex parte*.	Contested.	Total.	Applications for execution of decree.	Judicial.	Regular.	Miscellaneous.
Lucknow ...	Regular	21	6	61	88	401	165	179	18
	Small Cause Court ...	...	...	...	...	...	...	...	...
Unao	Regular	53	10	131	194	267	288	132	13
	Small Cause Court ...	309	65	188	562	273	40	...	...
Bara Banki ...	Regular	52	17	132	201	491	291	59	2
	Small Cause Court ...	426	106	198	730	625	53	...	...
Sitapur ...	Regular	189	67	294	550	472	215	...	...
	Small Cause Court ...	38	3	19	60	31	11	...	...
Hardoi ...	Regular	350	57	327	734	640	526	...	...
	Small Cause Court ...	856	153	509	1,518	1,209	124	...	...
Kheri ...	Regular	85	12	122	219	615	202	...	...
	Small Cause Court ...	923	229	397	1,549	674	96	...	...
Fyzabad ...	Regular	536	244	572	1,352	1,196	341	39	2
	Small Cause Court ..	149	80	97	326	249	24	...	...
Bahraich ...	Regular	42	18	84	144	487	215	91	9
	Small Cause Court ...	750	358	212	1,320	860	113	...	...
Gonda ...	Regular	12	9	75	96	117	184	243	27
	Small Cause Court ...	857	318	446	1,621	731	184	...	...
Rae-Bareli ...	Regular	105	41	214	360	305	197	254	2
	Small Cause Court ...	346	89	135	570	284	19	...	...
Sultánpur ...	Regular	117	15	147	279	272	253	4	...
	Small Cause Court ...	618	185	312	1,065	527	31	...	...
Partábgarh ...	Regular	74	24	198	296	428	236	136	4
	Small Cause Court ...	1,226	332	376	1,934	1,472	117	...	...
Total ...	...	8,134	2,388	5,246	15,768	12,626	3,925	1,137	77

D.—*Showing the work done by Munsifs in* 1893, *in the districts of the Province of Oudh.*

District.	Munsifi.	Jurisdiction.	Suits.				Miscellaneous.	
			Withdrawn, compromised, confessed, &c.	Decided *ex-parte*	Contested.	Total.	Applications for execution of decrees.	Judicial.
Lucknow ...	Munsifi North ...	Regular	289	60	359	708	708	922
		Small Cause Court ...	497	94	258	849	699	108
	„ South ...	Regular	272	100	519	891	1,004	427
		Small Cause Court ...	414	127	183	724	404	69
		Total ...	1,472	381	1,319	3,172	2,815	926
Unao ...	Unao ...	Regular	190	42	260	492	455	179
		Small Cause Court ...	330	62	194	586	261	46
	Purwa ...	Regular ...	130	48	286	414	695	118
		Small Cause Court ..	316	102	196	614	139	21
	Safipur ...	Regular	241	49	272	562	800	239
		Small Cause Court ...	402	93	213	708	76	10
		Total ...	1,609	396	1,371	3,376	2,426	612
Bara Banki...	Ramsanehighat ...	Regular	154	43	255	452	360	96
		Small Cause Court ...	760	113	311	1,184	315	42
	Fatehpur ...	Regular	107	25	268	400	464	151
		Small Cause Court ...	263	71	300	634	197	39
		Total ...	1,284	252	1,134	2,670	1,336	328
Sitapur ...	Sitapur ...	Regular	576	111	411	1,098	1,162	285
		Small Cause Court ...	652	225	266	1,143	85	25
	Biswan ...	Regular	383	85	201	669	744	151
		Small Cause Court ...	933	266	316	1,515	435	78
		Total ...	2,544	687	1,194	4,425	2,426	539
Hardoi ...	Shahabad ...	Regular	528	147	366	1,041	663	208
		Small Cause Court ...	...	...	...	...	...	...
	Bilgram ...	Regular	221	99	230	550	775	330
		Small Cause Court ...	510	128	250	888	201	58
		Total ...	1,259	374	846	2,479	1,639	596
Kheri ...	Mahomdi ...	Regular	626	131	279	1,036	603	135
Fyzabad ...	Fyzabad ...	Regular	393	40	299	732	582	82
		Small Cause Court ..	526	94	173	793	196	16
	Akbarpur ...	Regular	462	151	236	849	485	119
		Small Cause Court ...	...	...	...	...	...	...
		Total ...	1,381	285	708	2,374	1,263	217
Bahraich ...	Additional Munsif, Bahraich ...	Regular	315	58	158	531	348	101
		Small Cause Court ...	765	229	264	1,258	328	61
	Kaisarganj ...	Regular	1,197	396	646	2,239	1,225	287
		Small Cause Court ...	...	...	...	...	...	...
		Total ...	2,277	683	1,068	4,028	1,901	449
Gonda ...	Gonda ...	Regular	210	45	257	512	882	199
		Small Cause Court ...	584	85	251	920	429	108
	Tarabganj ..	Regular ...	85	36	329	450	663	161
		Small Cause Court ...	700	215	425	1,340	314	53
	Utraula ...	Regular	430	208	414	1,052	733	293
		Small Cause Court ...	358	87	132	577	27	19
		Total ...	2,367	676	1,808	4,851	3,048	833
Rae Bareli	Rae Bareli ...	Regular	337	86	419	842	764	234
		Small Cause Court ...	462	109	257	828	275	56
	Dalmau ...	Regular	391	146	377	914	904	284
		Small Cause Court ...	437	106	95	638	41	14
		Total ...	1,627	447	1,148	3,222	1,984	588
Sultanpur ...	Sultanpur ...	Regular	412	68	654	1,134	900	284
		Small Cause Court ...	434	54	160	648	112	15
	Musafirkhana ...	Regular	292	45	257	594	430	134
		Small Cause Court ...	405	92	191	688	221	12
		Total ...	1,543	259	1,262	3,064	1,663	445
Partabgarh ...	Partabgarh ...	Regular	478	150	385	1,013	747	214
		Small Cause Court ...	93	44	43	180	32	11
	Kunda ...	Regular	328	115	282	725	550	151
		Small Cause Court ...	...	...	...	...	...	...
		Total ...	899	309	710	1,918	1,329	376
		GRAND TOTAL ...	18,888	4,880	12,847	36,615	22,433	6,044

E.—*Showing the work done by Courts of Small Causes in* 1893, *in the districts of the Province of Oudh.*

District.	Courts.	Powers.	Suits.				Miscellaneous.		Appeals.	
			Withdrawn, compromised, confessed, &c,	Decreed *ex-parte*	Contested.	Total.	Application for execution of decrees.	Judicial.	Regular.	Miscellaneous.
Lucknow...	City Small Cause Court.	S. C.	2,389	709	1,408	4,506	6,179	312	...	...
	Cantonment ditto...	S. C. & C. M.	140	40	64	244	203	4	...	...
Fyzabad ...	Fyzadad ditto ...	S. C. & C. M.	54	15	18	87	26	...	...	...
	Total ...	...	2,583	764	1,490	4,837	6,408	316	...	...

G.—Statement showing the Court-fees (other than Process-fees) realized in the Civil Courts in the Province of Oudh, during the year 1893.

District.	*Ad valorem* fees.			Fixed fees.		Gross fees realized.	Refunds under sections 10, 13, 14 and 15, Act VII of 1870, and under Notification No. 2768, dated 30th April 1876, and under Rule 58 or Circular 12 of 1882.	Net fees realized.	Remarks.
	On plaints, memoranda of appeals, and applications for review of judgment.	On copies and translations.	On certificates, probates and letters of administration.	On plaints and memoranda of appeals.	On other documents.				
1	2	3	4	5	6	7	8	9	10
	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	R. a. p.	Rs. a. p.	Rs. a. p.	
Lucknow	71,684 13 0	1,751 12 0	4,344 8 0	1,497 0 0	6,824 11 0	86,102 12 0	233 4 0	85,869 8 0	
Unao	29,639 9 0	1,235 8 0	1,697 0 0	120 0 0	4,578 5 0	37,270 6 0	11 7 0	37,258 15 0	
Bara Banki	23,510 10 0	6,977 7 0	744 0 0	430 0 0	4,120 5 0	29,502 6 0	...	29,502 6 0	
Sitapur	35,085 3 0	941 8 0	3,229 0 0	145 0 0	3,105 14 0	42,506 9 0	10 12 0	42,495 13 0	
Hardoi	42,053 0 0	1,633 0 0	380 0 0	411 0 0	6,916 2 0	51,393 2 0	172 2 0	51,221 0 0	
Kheri	13,151 13 0	149 0 0	1,734 0 0	92 8 0	2,359 12 0	17,487 1 0	...	17,487 1 0	
Fyzabad	51,882 1 0	1,830 0 0	1,348 0 0	1,125 0 0	6,140 11 0	62,325 12 0	509 4 0	61,816 8 0	
Baharaich	20,990 6 0	597 7 0	497 10 0	162 8 0	2,721 9 0	24,969 8 0	46 14 0	24,922 10 0	
Gonda	37,047 11 0	1,968 14 0	603 8 0	746 8 0	5,090 10 0	45,457 3 0	375 6 0	45,081 13 0	
Rae Bareli	33,996 6 0	2,380 4 0	2,063 0 0	423 0 0	5,255 11 0	44,118 5 0	92 8 0	44,025 13 0	
Sultanpur	19,605 6 0	939 10 0	288 0 0	410 0 0	3,265 10 0	24,508 10 0	...	24,508 10 0	
Partábgarh	31,414 15 0	1,396 0 0	576 0 0	140 0 0	3,975 6 0	37,501 5 0	181 6 0	37,319 15 0	
Total ...	4,10,061 13 0	15,519 6 0	17,504 10 0	5702 8 0	54,354 10 0	5,03,142 15 0	1,632 15 0	5,01,510 0 0	
High Court of the Province of Oudh ...	24,597 11 0	...	...	...	5,381 5 0	29,979 0 0	...	2,979 0 0	
GRAND TOTAL ...	4,34,659 8 0	15,519 6 0	17,504 10 0	5,702 8 0	59,735 15 0	5,33,121 15 0	1,632 15 0	5,31,489 0 0	

H.—*Showing the Income and Expenditure of the Civil Courts in the Province of Oudh, during the year* 1893.

District.	Income.							Expenditure.						Surplus.	Deficit.
	Net value of stamps exclusive of those used to denote process-fees.	Duty and penalties on instruments not duly stamped.	Fines.	Process fees. Fees for employment of amins.	Process fees. Other fees.	Judicial Record Fund.	Sale proceeds of unclaimed property of intestates (Regulation 5 of 1799).	Total.	Salaries of officers presiding over Civil Courts and of their establishments, the full salaries of the Judges and establishment of High Court, and half salaries of District and Sessions Judges and their subordinates who are employed on the Criminal as well as the Civil side being entered.	Process-serving Establishment. (a) Central nazir, nazirs, bailiffs and nazarat office chaprasis.	Process-serving Establishment. (b) Process-serving peon.	Amin establishment.	Judicial Record Fund.	Total.		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
	Rs. a. p.	Rs. a. p.	Rs. a. p.		Rs. a. p.	Rs. a. p.		Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.		Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.
Lucknow ...	85,869 8 0	64 2 0	57 12 0	...	16,106 0 6	7,156 4 0	...	1,09,253 10 6	73,818 14 1	3,203 10 0	8,268 10 1		3,418 10 8	88,709 12 10	20,543 13 8	...
Sitapur ...	42,495 13 0	85 6 0	...	...	8,102 5 0	2,767 6 0	...	53,450 14 0	47,947 7 8	1,080 0 0	4,977 2 8	...	1,471 13 1	55,476 7 5	...	2,025 9 5
Kheri. ...	17,487 1 0	69 6 0	1 8 0	...	5,340 13 0	1,296 0 0	...	24,194 12 0	13,960 8 8	840 0 0	3,009 11 2	...	672 7 6	18,482 11 4	5,712 0 8	...
Hardoi ...	51,221 0 0	117 14 0	184 4 4	..	9,841 8 0	4,539 0 9	...	65,903 11 1	38,027 3 11	1,162 0 4	5,120 12 7	...	2,081 1 1	46,391 1 11	19,512 9 2	...
Unao ...	87,258 15 0	183 11 0	109 14 0	..	9,189 11 0	4,979 12 6	..	51,721 15 6	19,689 4 11	1,115 5 11	5,459 9 9		1,882 3 9	28,116 8 4	23,575 7 2	...
Fyzabad ...	61,816 8 0	222 10 0	29 1 0	..	8,922 14 0	5,736 8 0	...	76,727 9 0	48,691 0 0	1,079 14 0	4,807 8 4	...	2,436 12 4	57,015 2 8	19,712 6 4	...
Bara Banki...	29,502 6 0	95 4 0	48 0 0	...	7,557 6 0	3,885 14 0	...	41,088 14 0	16,986 5 11	852 14 5	3,857 15 4	...	1,563 5 1	23,260 8 9	17,828 5 3	...
Gonda ...	45,081 13 0	272 8 0	28 0 0	...	10,836 10 0	4,280 14 0	...	60,499 13 0	48,922 14 2	1,224 4 3	7,302 0 8	...	2,142 3 2	59,591 6 3	908 6 9	...
Bahraich ...	24,922 10 0	296 8 0	97 0 0	...	9,817 6 0	2,450 10 0	...	37,584 2 0	18,395 11 4	989 9 5	5,754 3 2		1,255 11 0	26,395 2 11	11,188 15 1	...
Rae Bareli ...	44,025 13 0	42 0 0	5 12 0	...	8,726 6 0	5,257 14 0	...	58,057 13 0	37,702 5 8	1,079 8 0	4,658 7 6	...	2,565 10 3	46,005 15 5	12,051 13 7	...
Sultanpur ...	24,508 10 0	192 2 0	24 8 6	..	7,025 2 0	2,771 14 0	...	34,522 4 6	17,441 1 6	892 8 0	4,235 4 10	...	1,211 4 9	23,780 3 1	10,742 1 5	...
Partabgurh ...	37,319 15 0	207 0 0	100 14 0	...	8,658 7 0	2,688 8 0	...	48,974 12 0	16,497 7 3	863 6 11	4,254 2 4	...	972 5 11	22,587 6 5	26,387 5 7	...
Total ...	5,01,510 0 0	1,848 7 0	686 9 10	...	1,10,124 8 6	47,810 9 3	...	6,61,980 2 7	3,98,080 5 1	14,383 1 3	61,705 8 5	...	21,673 8 7	4,95,842 7 4	1,68,163 4 8	2,025 9 5
High Court of Province of Oudh.	29,979 0 0	...	...	...	1,925 4 0	2,396 0 0	...	34,300 4 0	1,20,731 0 0	429 0 0	...	...	2,156 0 0	1,23,316 0 0	...	89,015 12 0
Grand Total	5,31,489 0 0	1,848 7 0	686 9 10	...	1,12,049 12 6	50,206 9 3	...	6,96,280 6 7	5,18,811 5 1	14,812 1 3	61,705 8 5	...	23,829 8 7	6,19,158 7 4	1,68,163 4 8	91,041 5 5

PROVINCIAL RETURN No. XV—(CIVIL.)

Showing the detention of witnesses before Civil Courts in suits, miscellaneous cases, and in cases of execution of decree in the Courts of the districts of the Province of Oudh, in the year 1892.

Courts.	Discharged after being in attendance.											
	1 day	2 days.	3 days	4 days.	5 days.	6 days.	7 days.	8 days.	9 days.	16 to 23 days.	Total.	Remarks.
Civil Courts.												
Lucknow	5,010	143	43	4	...	...	...	...	...	...	5,200	
Sitapur	6,346	141	17	...	...	...	...	..	...	...	6,504	
Hardoi	10,573	103	21	...	...	...	...	...	...	...	10,697	
Fyzabad	6,048	39	...	...	...	...	...	...	...	...	6,087	
Gonda	10,795	129	41	4	...	...	...	...	...	...	10,969	
Rae Bareli	10,964	82	3	...	...	...	...	...	...	...	11,049	
Total ...	49,736	637	125	8	...	...	...	...	...	...	50,506	
Small Cause Courts.												
Lucknow City ...	3,549	52	22	...	4	2	2	...	...	...	3,631	
„ Cantonment ...	111	...	...	...	...	...	...	...	...	...	111	
Fyzabad „ ...	47	...	...	...	...	...	...	...	...	...	47	
Total ...	3,707	52	22	...	4	2	2	...	...	...	3,789	

PROVINCIAL RETURN No. XVI—(Civil).

Showing the receipts and disbursements on account of processes in the Courts of the Province of Oudh, during the year 1893.

Courts.	Average number of servants employed.	Aggregate number of processes served.	Average number per server.	Receipts.			Disbursements.						Remarks.
				Value of fees received during the year.	Remittances from other Provinces.	Total.	Pay of supervising establishment including nazarat and bailiff.	Pay of peons.	Pension fund 12 per cent.	Contingencies and refunds.	Total.	Surplus or deficit.	
Civil.				Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	
Lucknow	56	31,242	558	9.910 14 6	...	9,910 14 6	1,319 10 0	3,926 8 5	629 6 11	95 4 6	5,970 13 10	+3,940 0 8	
Sitapur	95	46,721	491	13,443 2 0	...	13,443 2 0	1,920 0 0	6,925 7 0	1,061 6 10	...	9 906 13 10	+3,536 4 2	
Hardoi	142	67,477	333	19,713 2 0	46 14 0	19,760 0 0	2,427 6 3	10,561 4 6	1,558 9 4	171 5 0	14,718 9 1	+5,041 6 11	
Fyzabad	119	52,279	439	16,349 12 0	...	16,349 12 0	1,932 12 5	8,521 7 8	1,254 8 0	17 14 6	11,726 10 7	+4,623 1 5	
Gonda	160	70,283	439	20,648 0 0	6 0 0	20,654 0 0	2,213 13 8	11,386 13 9	1,632 0 1	37 6 0	15,270 1 6	+5,383 14 6	
Rae Bareli	184	79,770	506	24,500 9 0	...	24,500 9 0	2,835 6 11	12,986 0 8	1,866 9 6	150 6 3	17,838 7 4	+6,662 1 8	
Total	756	3,47,772	2,768	1,04,565 7 6	52 14 0	1,04,618 5 6	12,649 1 3	54,307 10 0	8,002 8 8	472 4 3	75,431 8 2	29,186 13 4	
Small Cause Courts.													
Lucknow City	58	22,913	395	5,965 10 0	...	5,965 10 0	1,248 12 0	4,211 1 8	655 2 9	...	6,115 0 5	−149 6 5	
Ditto Cantonment	2	866	433	229 8 0	...	229 8 0	144 0 0	131 0 0	32 15 9	...	307 15 9	−78 7 9	
Fyzabad	1	373	373	65 4 0	...	65 4 0	...	72 0 0	8 10 2	2 7 0	83 1 2	−17 13 2	
Total	61	24,152	1,201	6,260 6 0	...	6,260 6 0	1,392 12 0	4414 1 8	696 12 8	2 7 0	6,506 1 4	−245 11 4	

PROVINCIAL RETURN No. XVIII—(CIVIL.)

Statement showing receipts and disbursements on account of Sale Commission Fund in the districts of the Province of Oudh, during the year 1893.

Class of Courts.	Receipts.	Disbursements.			Balance.	Payable to Nazirs, &c. under para. 15, Circular No. 24 of 1892.	Remarks.
	Value of fees received within the year.	Pay of peons.	Contingencies.	Total.			
Civil.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	
Lucknow	1,435 11 6	359 12 0	...	359 12 0	1,075 15 6	268 15 9	
Sitapur	1,475 9 9	90 4 7	...	90 4 7	1,385 5 2	346 5 3	
Hardoi	2,188 7 7	210 13 4	66 3 3	277 0 7	1,911 7 0	477 13 9	
Fyzabad	1,721 12 10	252 2 11	9 15 0	262 1 11	1,459 10 11	364 14 8	
Gonda	1,922 14 5	300 14 2	...	300 14 2	1,622 0 3	405 8 0	
Rae Bareli	1,724 3 11	646 13 8	2 5 0	649 2 8	1,075 1 3	268 12 1	
Total ...	10,468 12 0	1,860 12 8	78 7 3	1,939 3 11	8,529 8 1	2,132 5 6	
Small Cause Courts.							
Lucknow City ...	140 7 3	144 0 0	...	144 0 0	5 7 3	1 5 9	
Do. Cantonment ...	3 9 7	...	...	...	3 9 7	0 14 4	
Fyzabad Do. ...	8 12 6	...	...	...	8 12 6	2 3 0	
Total ...	161 13 4	144 0 0	...	144 0 0	17 13 4	4 7 1	

ORDERS OF GOVERNMENT.

No. $\frac{1188}{\text{VII—667B}}$ OF 1894.

FROM

THE SECRETARY TO GOVERNMENT,

N.-W. PROVINCES AND OUDH,

To

THE JUDICIAL COMMISSIONER OF OUDH.

DATED ALLAHABAD, THE 24TH DECEMBER 1894.

SIR,

JUDICIAL DEPT. (CIVIL).

I AM directed to acknowledge the receipt on the 6th November 1894 of your letter No. 1972, dated 1st November 1894, being the Report on the Administration of Civil Justice in Oudh during the year ending the 31st December 1893. The report is due on the 15th August, and I am to request that you will secure its earlier submission in future.

2. The surplus of the receipts of the Courts over certain items of expenditure is shown at Rs. 77,122 against Rs. 74,530 in the preceding year. Appendix II is not one of the Imperial returns, and the question of amending it so as to make the enumeration of the expenditure items more complete than it is at present is under discussion, as regards the North-Western Provinces, with the High Court. The result will be communicated to you. The net value of the stamp duty in 1893 is shown at Rs. 5,31,489 against Rs. 5,36,856 in 1892, though the aggregate value of the subject matter of the suits instituted exceeded the net value in 1892 by the enormous sum of 377 lacs. I am to ask for an explanation on this point, and that it may be stated what stamp duty was paid on the declaratory suits valued at 350 lacs instituted in the Court of the Subordinate Judge of Unao.

3. The accumulation of work and the long duration of suits and other proceedings in the Civil Courts of Oudh have frequently been noticed: and the figures for 1893 are even more unfavourable than in the past. The institutions of ordinary civil suits decreased, but the disposals also decreased (26,917 against 28,737 in 1892), and the pending file was larger at the end of the year than at the close. The average duration of contested suits in Subordinate Judges' Courts rose from 116 days in 1892 to 196 days in 1893, and in District Judges' Courts from 697 days to 808 days. In the duration of uncontested suits there was a similar increase. In the Munsifs' Courts there was a slight decrease in the duration of contested suits, but an increase in that of uncontested:

	Institutions.		Disposals.		Pending.	
	1892.	1893.	1892.	1893.	1892.	1893.
Ordinary civil suits...	28,286	26,486	28,737	26,917	5,917	6,151
Small Cause Courts...	31,543	33,527	32,286	32,807	1,991	3,223
	59,779	60,013	61,023	59,724	7,908	9,374

the average duration in 1893 being 87 and 46 days respectively against 76 days and 33 days in the North-Western Provinces. It is unnecessary to dwell further on these unsatisfactory figures, as measures were in the early part of this year taken on the recommendation of your predecessor to rearrange the work of the Courts, and these measures it is hoped will relieve the block of business in the Civil Courts of Oudh. Briefly speaking, the pecuniary limit of the ordinary jurisdiction of Munsifs in Oudh has now been fixed at Rs. 1,000 and that of their Small Cause Court jurisdiction at Rs. 100. Subordinate Judges have been relieved of the trial of suits of amount or value not exceeding Rs. 1,000 and also of the Small Cause Court jurisdiction which some of them have hitherto exercised in certain local areas: at the same time their ordinary jurisdiction has been extended to suits of any amount or value over Rs. 1,000. Subordinate Judges posted in districts other than the headquarters districts of District Judges have also been invested with power to receive appeals direct from the decrees and orders of Munsifs. District Judges have thus been entirely relieved of original suits. They can refer appeals from Munsifs' decisions from their own file to the Subordinate Judge of the headquarters district, and can call up appeals from the Subordinate Judges of outlying districts to their own file, when equalisation of work requires this. The jurisdictions of Civil Courts in Oudh have in short been assimilated to the jurisdictions of similar Courts in the North-Western Provinces. The results should be apparent in the returns for 1894.

4. The acknowledgments of the Government should be conveyed to the two Honorary Assistant Commissioners mentioned in paragraph 8 of your report as having disposed of a large number of suits.

5. With reference to paragraph 19 of your report I am to say that the Lieutenant-Governor and Chief Commissioner would be glad to learn the reasons on which the several Courts granted so many adjournments in the cases you mention.

6. The statistics showing the extent of the appellate work of the Courts are exhibited in the subjoined table:—

	From decrees.		Miscellaneous.	
	Number for disposal.	*Pending at close of the year.*	*Number for disposal.*	*Pending at close of the year.*
In Courts of Sub-Judges ...	2,075	938	108	31
Ditto District Judges ...	3,110	2,103	453	171
Ditto Judicial Commissioner (civil appeals only) ...	816	474	157	96

7. The number of appeals instituted in the Courts of Subordinate Judges in 1893 was much in excess of the institutions in 1892, and the pending file at the close of the year was heavy. The pending file in District Judges' Courts also shows an unsatisfactory increase, and the average duration of appeals in those Courts rose from 275 days in 1892 to 428 days in 1893. In explanation of this extraordinary term you state that some appeals pending since 1889 and 1890 were disposed

of. Though this may account for the average duration in 1893, it gives no assurance that business will be despatched with greater promptitude in future. In the Court of the Judicial Commissioner there was a reduction on the average duration of appeals from original decrees, though 299 days cannot be considered other than high. The percentage of decisions reversed to the total number of appeals disposed of in that Court was only 12 per cent. against 16 per cent. in 1892: a fall which may be considered to indicate some improvement in the work of the lower Courts.

8. With reference to paragraph 32 of your report it is presumed that the figures in Provincial Return No. XV show the total number of witnesses summoned to attend the Civil Courts, whether they were examined or were discharged without examination. I am to ask that figures similar to those contained in paragraph 10 of the Prefatory Note to the Civil Statements of the North-Western Provinces for 1893 may be furnished in future. If the returns on which the percentage (98·48) of witnesses detained for one day only are correct, they are creditable to the Courts.

9. The administration of civil justice by the Courts of Oudh is in many respects in the Lieutenant-Governor and Chief Commissioner's opinion far from satisfactory. There is need of greater expedition in disposing of work and of more energy in keeping down arrears; and in the quality of the work turned out there is, to judge by the number of successful appeals, room for improvement. Sir Charles Crosthwaite has confidence that you will closely and continuously supervise the working of the Courts subordinate to your own, and will endeavour to improve this branch of the administration.

I have the honor to be,

SIR,

Your most obedient servant,

T. W. HOLDERNESS,

Secy. to Govt., N.-W. P. and Oudh.